



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/553,508

10/14/2005

Kenji Morimoto

OKUDP0137US

7432

51921

7590

11/04/2009

MARK D. SARALINO (PAN)

RENNER, OTTO, BOISSELLE & SKLAR, LLP

1621 EUCLID AVENUE

19TH FLOOR

CLEVELAND, OH 44115

EXAMINER

KHAN, ASHER R

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

11/04/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/553,508	Applicant(s) MORIMOTO ET AL.	
	Examiner ASHER KHAN	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-20, 22- 32 and 34-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-20, 22- 32 and 34-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claim 19, 25 and 30 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments, see page 6 lines 11 to page 7 line 6, filed 4/08/20, with respect to claims 19, 25, and 30 have been fully considered and are persuasive. The 35 U.S.C. 112, first paragraph has been withdrawn.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 19-20, 23-26, 28-32 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,532,336 to Maruyama et al "Maruyama" in view of U.S. Patent Pub. 2008/0209300 A1 to Fukushima "Fukushima" and in further view of U.S. Patent Pub. 2003/0206238 A1 to Kawai et al "Kawai".**

As to claims 19, 25 and 30, A data processing method comprising the steps of:

- a) acquiring a first stream (first video object unit 85, Fig. 11);
- b) if a second stream (second video object unit 85, Fig. 11), of which the data is discontinuous with the first stream (Fig. 11, Col. 12 lines 16-17), is acquired after the first stream, adding identification information (Dummy pack 89, Fig. 11) to the end of the first stream (Col. 12 lines 56-63);

Art Unit: 2621

c) acquiring the second stream after the identification information (Col. 12, lines 29-31, seamless and non seamless playback);

d) decoding the first stream, the identification information and the second stream in this order on the basis of a predetermined unit (Col. 27, lines 31-51; Col. 15, lines 6-39);

e) determining whether or not the identification information is included in the unit to be decoded in the step (d) (Col. 27, lines 31-51; Col. 15, lines 6-39);

Maruyama does not expressly disclose if the identification information has been detected, starting to decode the next unit without outputting the data in the unit and so that a unit in the first stream is incomplete.

Fukushima discloses if the identification information has been detected, starting to decode the next unit without outputting the data in the unit (Detection of error packets and only outputting normal packets; 0100-0102).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Maruyama with the teachings of Fukushima. Motivation to combine would have been to replace dummy packet with error data so that data with errors is not played back. Playing of which may cause confusion to a viewer.

Maruyama and Fukushima as modified above do not expressly disclose so that a unit in the first stream is incomplete.

Kawai disclose so that a unit in the first stream is incomplete (0264 and Figs. 38 and 40).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Maruyama and Fukushima with the teachings of Kawai. Motivation to combine would have been to insert identification information where the data is incomplete to complete the incomplete data.

As to claims 20, 26 and 32, Maruyama, Fukushima and Kawai as modified disclose everything claimed as applied in claim 19 above. In addition Maruyama discloses wherein the inserting section inserts a dummy packet as the identification information (Col. 12 lines 56-64), and wherein the dummy packet is replaced (Col. 15, lines 35-39). However Maruyama does packet with an error code.

Fukushima discloses Packet with an error code (0100-0102).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Maruyama with the teachings of Fukushima. Motivation to combine would have been to replace dummy packet with error data so that data with errors is not played back. Playing of which may cause confusion to a viewer.

As to claims 23, 28 and 35, Maruyama, Fukushima and Kawai as modified disclose everything claimed as applied in claim 19 above. In addition Maruyama discloses wherein the predetermined unit is picture data (Col. 12, lines 33-40).

As to claim 24, Maruyama, Fukushima and Kawai as modified disclose everything claimed as applied in claim 19 above. In addition Maruyama discloses wherein the stream is not split on the basis of the predetermined unit but on a different unit basis (Fig. 11, VOB 85).

As to claims 29 and 31, Maruyama, Fukushima and Kawai as modified disclose

Art Unit: 2621

everything claimed as applied in claim 19 above. In addition Maruyama discloses wherein each of the first and second streams includes a number of units and a portion of a unit, and the first and second streams are split at the portions of the unit (Fig. 11).

5. Claims 22, 27 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,532,336 to Maruyama et al “Maruyama” in view of U.S. Patent Pub. 2008/0209300 A1 to Fukushima “Fukushima”, in view of U.S. Patent Pub. 2003/0206238 A1 to Kawai et al “Kawai” and in further view of U.S. Patent 6,823,131 B2 to Abelard et al. “Abelard”

As to claims 22, 27 and 34, Maruyama, Fukushima and Kawai disclose everything claimed as applied in claim 19 above. However Maruyama, Fukushima and Kawai do not expressly disclose wherein the stream is a transport stream.

Abelard discloses wherein the stream is a transport stream (Col. 3, lines 4—60).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Maruyama, Fukushima and Kawai as modified with the teachings of Abelard. Rationale to combine would have been that all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

Conclusion

Art Unit: 2621

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ASHER KHAN whose telephone number is (571)270-5203. The examiner can normally be reached on 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571)272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/
Supervisory Patent Examiner, Art Unit 2621

/A. K./
Examiner, Art Unit 2621